IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 12068 of 2004

Between:

Bommena Ravi S/o.Bhumanna,
Sarpanch of Gram Panchayat Rejaral Balkonda Mandal, Nizamaba

R/o. Renjara Vg.Balkonda Mandal Nizamabad District.

..... PETITIONER

AND

1 The District Collector (PW) Nizamabad
2 The District Panchayat Officer, Nizamabad
3 The Divisional Panchayat Officer, Nizamabad.
4 The Extension Officer, PR & RD Balkonda, Nizamabad District.
5 Sri N.Gangadhar S/o. Muttenna Upa-sarpanch of Gram Panchayat

Renjarla, R/o. Renjarla Vg., Balkonda Mandal Nizamabad District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of mandamus directing the 2nd respondent herein to issue appropriate proceedings forthwith for restoration of powers and functions including the cheque power to the petitioner who is the sarpanch of the Gram Panchyat Renjarla Vg.Balkonda Mandal, Nizamabad, District by duly declaring the action of the 2nd respondent in not issuing the proceedings even though the petitioner returned to the jurisdiction of the Gram Panchayat and attending the office of the sarpanch from 3-4-2004 and despite the made representation through the 4th respondent and evenafter the petitioner's case was

recommended by the 4th respondent for restoration of the powers to the petitioner as illegal, arbitrary and contrary to proviso to Sec.26(3) of A.P.Panchayat Raj Act 1994and also violative of Art.14 of the Constitution of India.

Counsel for the Petitioner : MR.V.RAVI KIRAN RAO

Counsel for the Respondents No.1 to 4: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

Counsel for the 5th respondent : None

The Court made the following :

ORDER:

Petitioner is Sarpanch of Renjarla Gram Panchayat, Balkonda Mandal, Nizamabad DIstrict. By proceedings dated 3-4-2004, the 2nd respondent devolved the powers of Sarpanch including the cheque signing power on the Upa-Sarpanch of the Gram Panchayat – 5th respondent herein, on the ground that the Sarpanch (petitioner herein) is not available in the village. The Sub-treasury Officer, Armoor and the Managers of the Banks were requested to honour the cheques signed jointly by the Upa-Sarpanch and the Extension Officer. The grievance of the petitioner is that after his coming over to the village, he requested the 2nd respondent to restore the powers of Sarpanch to him, but the 2nd respondent is not taking any action in this regard.

Heard the learned counsel for the petitioner and the learned Government for PIeader for Panchayat Raj.

It is submitted by the learned counsel for the petitioner that subsequently the petitioner has filed an application on 3-6-2004 before the 2nd respondent through proper channel requesting restoration of cheque power to him and the same is still pending.

Having regard to the fact that the application filed by the petitioner for restoration of powers of the Sarpanch including the cheque drawing powers is pending before the 2nd respondent, the writ petition is disposed of at the stage of admission with a direction to the 2nd respondent to consider and pass appropriate orders on the

application dated 3-6-2004 filed by the petitioner after giving opportunity of hearing to the petitioner and the 5th respondent.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector (PW), Nizamabad
2 The District Panchayat Officer, Nizamabad
3 The Divisional Panchayat Officer, Nizamabad.
4 The Extension Officer, PR & RD Balkonda, Nizamabad District.

5. 2CCs to G.P. for Panchayatraj & Rural Development, High Court of

A.P. Hyderabad (OUT)

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